

1 S TATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 278

By: Stanislawski

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7 AS INTRODUCED

8 An Act relating to charter schools; amending 70 O.S.  
9 2001, Section 3-132, as last amended by Section 1,  
10 Chapter 288, O.S.L. 2010 (70 O.S. Supp. 2010, Section  
11 3-132), which relates to sponsors of charter schools;  
12 authorizing the State Board of Education to sponsor a  
13 statewide online charter school; amending 70 O.S.  
14 2001, Section 3-134, as last amended by Section 2,  
15 Chapter 288, O.S.L. 2010 (70 O.S. Supp. 2010, Section  
16 3-134), which relates to charter school applications;  
17 providing that online charter schools are not  
18 required to have a physical location; providing an  
19 effective date; and declaring an emergency.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-132, as  
22 last amended by Section 1, Chapter 288, O.S.L. 2010 (70 O.S. Supp.  
23 2010, Section 3-132), is amended to read as follows:

24 Section 3-132. A. The Oklahoma Charter Schools Act shall apply  
only to charter schools formed and operated under the provisions of  
the act. Charter schools shall be sponsored only as follows:

1           1. By a school district with an average daily membership of  
2 five thousand (5,000) or more and which all or part of the school  
3 district is located in a county having more than five hundred  
4 thousand (500,000) population according to the latest Federal  
5 Decennial Census;

6           2. By a school district which has a school site listed on the  
7 school improvement list as determined by the State Board of  
8 Education pursuant to the Elementary and Secondary Education Act of  
9 1965, as amended or reauthorized;

10          3. By a technology center school district if the charter school  
11 is located in a school district served by the technology center  
12 school district and the school district has an average daily  
13 membership of five thousand (5,000) or more and which all or part of  
14 the school district is located in a county having more than five  
15 hundred thousand (500,000) population according to the latest  
16 Federal Decennial Census;

17          4. By a technology center school district if the charter school  
18 is located in a school district served by the technology center  
19 school district and the school district has a school site listed on  
20 the school improvement list as determined by the State Board of  
21 Education pursuant to the Elementary and Secondary Education Act of  
22 1965, as amended or reauthorized;

23          5. By a comprehensive or regional institution that is a member  
24 of The Oklahoma State System of Higher Education if the charter

1 school is located in a school district that has an average daily  
2 membership of five thousand (5,000) or more and which all or part of  
3 the school district is located in a county having more than five  
4 hundred thousand (500,000) population according to the latest  
5 Federal Decennial Census. In addition, the institution shall have a  
6 teacher education program accredited by the Oklahoma Commission for  
7 Teacher Preparation and have a branch campus or constituent agency  
8 physically located within the school district in which the charter  
9 school is located;

10 6. By a comprehensive or regional institution that is a member  
11 of The Oklahoma State System of Higher Education if the charter  
12 school is located in a school district that has a school site listed  
13 on the school improvement list as determined by the State Board of  
14 Education pursuant to the Elementary and Secondary Education Act of  
15 1965, as amended or reauthorized. In addition, the institution  
16 shall have a teacher education program accredited by the Oklahoma  
17 Commission for Teacher Preparation and have a branch campus or  
18 constituent agency physically located within the school district in  
19 which the charter school is located; or

20 7. By the State Board of Education ~~only~~ when the applicant of  
21 the charter school is the Office of Juvenile Affairs and the charter  
22 school is for the purpose of providing education services to youth  
23 in the custody or supervision of the Office of Juvenile Affairs.  
24 Not more than one charter school shall be sponsored by the Board as

1 provided for in this paragraph during the period of time beginning  
2 July 1, 2010, through July 1, 2016.

3 8. By the State Board of Education for the purpose of  
4 establishing a statewide online charter school, in which all  
5 students within the state are eligible to enroll.

6 B. Any charter or enterprise school operating in the state  
7 pursuant to an agreement with the board of education of a school  
8 district on July 1, 1999, may continue to operate pursuant to that  
9 agreement or may contract with the board of education of the school  
10 district pursuant to the Oklahoma Charter Schools Act. Nothing in  
11 the Oklahoma Charter Schools Act shall prohibit a school district  
12 from applying for exemptions from certain education-related  
13 statutory requirements as provided for in the Educational  
14 Deregulation Act.

15 C. For purposes of the Oklahoma Charter Schools Act, "charter  
16 school" means a public school established by contract with a board  
17 of education of a school district, an area vocational-technical  
18 school district, a higher education institution, or the State Board  
19 of Education pursuant to the Oklahoma Charter Schools Act to provide  
20 learning that will improve student achievement and as defined in the  
21 Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.

22 D. A charter school may consist of a new school site, new  
23 school sites or all or any portion of an existing school site. An  
24 entire school district may not become a charter school site.

1 SECTION 2. AMENDATORY 70 O.S. 2001, Section 3-134, as  
2 last amended by Section 2, Chapter 288, O.S.L. 2010 (70 O.S. Supp.  
3 2010, Section 3-134), is amended to read as follows:

4 Section 3-134. A. For written applications filed after January  
5 1, 2008, prior to submission of the application to a proposed  
6 sponsor seeking to establish a charter school, the applicant shall  
7 be required to complete training which shall not exceed ten (10)  
8 hours provided by the State Department of Education on the process  
9 and requirements for establishing a charter school. The Department  
10 shall develop and implement the training by January 1, 2008. The  
11 Department may provide the training in any format and manner that  
12 the Department determines to be efficient and effective including,  
13 but not limited to, web-based training.

14 B. Except as otherwise provided for in Section 3-137 of this  
15 title, an applicant seeking to establish a charter school shall  
16 submit a written application to the proposed sponsor as prescribed  
17 in subsection E of this section. The application shall include:

- 18 1. A mission statement for the charter school;
- 19 2. A description of the organizational structure and the  
20 governing body of the charter school;
- 21 3. A financial plan for the first three (3) years of operation  
22 of the charter school and a description of the treasurer or other  
23 officers or persons who shall have primary responsibility for the  
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1 finances of the charter school. Such person shall have demonstrated  
2 experience in school finance or the equivalent thereof;

3 4. A description of the hiring policy of the charter school;

4 5. The name of the applicant or applicants and requested  
5 sponsor;

6 6. A description of the facility and location of the charter  
7 school;

8 7. A description of the grades being served;

9 8. An outline of criteria designed to measure the effectiveness  
10 of the charter school;

11 9. A demonstration of support for the charter school from  
12 residents of the school district which may include but is not  
13 limited to a survey of the school district residents or a petition  
14 signed by residents of the school district; and

15 10. Documentation that the applicants completed charter school  
16 training as set forth in subsection A of this section.

17 C. A board of education of a public school district, public  
18 body, public or private college or university, private person, or  
19 private organization may contract with a sponsor to establish a  
20 charter school. A private school shall not be eligible to contract  
21 for a charter school under the provisions of the Oklahoma Charter  
22 Schools Act.

23 D. The sponsor of a charter school is the board of education of  
24 a school district, the board of education of a technology center

1 school district, a higher education institution or the State Board  
2 of Education which meets the criteria established in Section 3-132  
3 of this title. Any board of education of a school district in the  
4 state may sponsor one or more charter schools. The physical  
5 location of a charter school sponsored by a board of education of a  
6 school district or a technology center school district shall be  
7 within the boundaries of the sponsoring school district. The  
8 physical location of a charter school sponsored by the State Board  
9 of Education, when the applicant is the Office of Juvenile Affairs,  
10 shall be located where an Office of Juvenile Affairs facility for  
11 youth is located. A charter school sponsored by the State Board of  
12 Education for the purpose of establishing a statewide online charter  
13 school shall not be required to have a physical location.

14 E. An applicant for a charter school may submit an application  
15 to a proposed sponsor which shall either accept or reject  
16 sponsorship of the charter school within ninety (90) days of receipt  
17 of the application. If the proposed sponsor rejects the  
18 application, it shall notify the applicant in writing of the reasons  
19 for the rejection. The applicant may submit a revised application  
20 for reconsideration to the proposed sponsor within thirty (30) days  
21 after receiving notification of the rejection. The proposed sponsor  
22 shall accept or reject the revised application within thirty (30)  
23 days of its receipt.

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1 F. A board of education of a school district, board of  
2 education of a technology center school district or higher education  
3 institution sponsor of a charter school shall notify the State Board  
4 of Education when it accepts sponsorship of a charter school. The  
5 notification shall include a copy of the charter of the charter  
6 school.

7 G. If a proposed sponsor rejects the revised application for a  
8 charter school, the applicant may proceed to mediation or binding  
9 arbitration or both mediation and binding arbitration as provided in  
10 the Dispute Resolution Act and the rules promulgated pursuant  
11 thereto. The applicant shall contact the early settlement program  
12 for the county in which the charter school would be located. If the  
13 parties proceed to binding arbitration, a panel of three arbitrators  
14 shall be appointed by the director of the early settlement program  
15 handling the dispute. The proposed sponsor shall pay the cost for  
16 any mediation or arbitration requested pursuant to this section.

17 H. If a board of education of a technology center school  
18 district, a higher education institution or the State Board of  
19 Education accepts sponsorship of a charter school, the  
20 administrative, fiscal and oversight responsibilities of the  
21 technology center school district or the higher education  
22 institution shall be listed in the contract. No responsibilities  
23 shall be delegated to a school district unless the local school  
24 district agrees to assume the responsibilities.

1 SECTION 3. This act shall become effective July 1, 2011.

2 SECTION 4. It being immediately necessary for the preservation  
3 of the public peace, health and safety, an emergency is hereby  
4 declared to exist, by reason whereof this act shall take effect and  
5 be in full force from and after its passage and approval.

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